

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

_____)	
CHARLES TUZZO,)	
Petitioner,)	
)	CIVIL ACTION
v.)	NO. 05-11145-RWZ
)	
UNITED STATES OF AMERICA,)	
Respondent.)	
_____)	

JOINT MOTION TO CONTINUE

The United States of America and Charles Tuzzo, through their undersigned counsel, jointly move this Court to continue the hearing in this matter which is currently scheduled for June 24, 2005 at 11 a.m. As grounds therefor, the plaintiff states that his counsel is located in New York City and will initiate the process for becoming admitted *pro hac vice* within the next week. In addition, unless a brief adjournment of the hearing is granted, plaintiff will not have sufficient time to subpoena witnesses.

Government counsel states that she just received this file from the Eastern District of New York on June 21, 2005 and requires additional time to investigate plaintiff's allegations. Government counsel has begun the process of gathering the necessary evidence from the Bureau of Prisons and reserves all rights to seek relief by appropriate motion. Thus, the government does not concede at this stage that an evidentiary hearing is required. Also, government counsel will be out of state on a previously scheduled family vacation until mid-July.

Wherefore, the parties request that this Court continue this matter to the first available date after July 25, 2005. If appropriate, the government will file a declaration with this Court prior to that time.

Respectfully submitted,

MICHAEL J. SULLIVAN
United States Attorney

/s/Eugenia M. Carris
Eugenia M. Carris
Assistant United States Attorney
U.S. Attorney's Office
1 Courthouse Way, Suite 9200
Boston, MA 02210
(617) 748-3100

and

CHARLES TUZZO

/s/Flora Edwards/EMC
Flora Edwards (fe0808)
61 Broadway, Suite 1105
New York, NY 10006
(212) 785-3344
Will file motion for admission pro hac vice

June 23, 2005